Stephen R. Jaffe State Bar No. 49539 1 THE JAFFE LAW FIRM 101 California Street 2 **Suite 2450** San Francisco, California 94111 3 415-618-0100 4 415-618-0080 fax Stephen.R.Jaffe@JaffeTrialLaw.com 5 Attorney for Relators 6 7 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 8 **OAKLAND DIVISION** 9 10 11 UNITED STATES OF AMERICA ex rel. C-09-5966-PJH SCOTT ROSE, MARY AOUINO. 12 MITCHELL NELSON and LUCY SUPPLEMENTAL DECLARATION OF STEPHEN R. JAFFE RE: POTENTIAL 13 **STEARNS BREACH OF SEAL** Plaintiff, 14 VS. 15 STEPHENS INSTITUTE, a California corporation doing business as ART 16 ACADEMY UNIVERSITY, 17 Defendant. 18 19 20 21 22 23 24 25 26

SUPP. DECL OF STEPHEN R. JAFFE

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## **DECLARATION OF STEPHEN R. JAFFE**

Stephen R. Jaffe declares:

- 1. I am an attorney admitted to practice before all of the courts of California. I am the attorney for the relators in this civil action. The facts set forth in this declaration are true of my own personal knowledge and if called as a witness, I could personally testify thereto. occurred.
- 2. The declaration I executed on June 15, 2011 regarding a potential breach of the seal in this case omitted to state a critical fact which is addressed in this supplemental declaration.
- 3. A few months ago, I was informed by the United States Attorney's Office that both the existence of this action and a copy of the complaint in this matter have been disclosed to the defendant, Stephens Institute and its counsel.<sup>1</sup>
- 4. Since the defendant Stephens Institute has been aware of the existence of this case and the nature of the claims being asserted against it for several months, the United States has non suffered any harm of prejudice on account of the inadvertent and accidental recitation of the case title in the June 10, 2011 email I sent to the Department of Justice.

I declare the foregoing to be true under the penalty of perjury of the law of the State of California. Executed June 16, 2011 at San Francisco, California.

Stephen R Jaffe

At my request, the names of the relators were redacted from the copy of the complaint disclosed to the defendant.

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## PROOF OF SERVICE

US ex rel, Rose et al. v Stephens Institute et al. USDC NDCA Case No. 09-05966-PJH

The undersigned, states as follows: I am a citizen of the United States over the age of 18 years and not a party to the above-entitled proceeding. My business address is 101 California Street, Suite 2450 San Francisco, CA 94111.

On June 16, 2011 I served the foregoing

SUPPLEMENTAL DECLARATION OF STEPHEN R. JAFFE RE: POTENTIAL BREACH OF SEAL

on the following person(s) by delivering (or causing to be delivered) true and correct copies thereof as follows:

[ ] BY MAIL By placing true and correct copies thereof in the United States mail at San Francisco, California, with postage fully prepaid, addressed as set forth below.

[ ] BY HAND By placing true and correct copies thereof in a sealed envelope and delivering or causing to be hand delivered to the address(es) set forth below.

[ ] BY FACSIMILE TRANSMISSION By sending true and correct copies thereof by facsimile transmission to the following telephone number: xxx-xxx-xxxx and thereafter mailing true and correct copies thereof by United States mail to the address(es) listed below

[ ] BY OVERNIGHT EXPRESS By placing true and correct copies thereof in a sealed envelope and delivering the same to an overnight courier service addressed as set forth below

[X] BY ELECTRONIC TRANSMISSION By attaching a true and correct copy thereof to email correspondence addressed as follows:

<u>ila.deiss@usdoj.gov</u> jonathan.gold@usdoj.gov

I declare the foregoing to be true under the penalty of perjury of the laws of the State of California. Executed **June 16, 2011** at San Francisco, California.

Susan D. Jaffe